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Attorneys for Defendants
MASTER MARKETTERS, INC.,
and SUSAN PACINI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHANEL, INC., a New York corporation,

Plaintiff,

v.

SUSAN LYNNE PACINI aka SUSAN L. PACINI dba
PLANET TAN dba MASTER MARKETTERS, INC.,
and DOES 1-10, inclusive,

Defendants.

CASE NO. CV-07-05946 CRB

**DECLARATION OF RANDALL
KNOX IN SUPPORT OF
DEFENDANT PACINI'S MOTION TO
SET ASIDE DEFAULT [FRCP 55(c)]**

**Date: May 30, 2008
Time: 10:00 a.m.
Courtroom: 8, 19th Floor
Honorable Charles R. Breyer**

I, RANDALL KNOX, declare under the penalty of perjury that:

1. I am attorney licensed to practice law in the State of California. I am competent to testify regarding the matters stated herein based upon my own personal knowledge and I could testify as to these matters in a Court of Law.

2. I have been a practicing attorney in California for 25 years. My offices are located in San Francisco, California. My practice focuses exclusively upon the practice of law in the field of criminal defense.

3. I was contacted by Defendant Susan Pacini in the Fall of 2007 regarding the confiscation of Chanel purses. It is my understanding that this confiscation occurred at a business

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1 called "Planet Tan." This business is owned and operated by a corporation called Master
2 Marketeers Inc., according to Ms. Pacini.

3 4. Ms. Pacini was under the impression that the purses in question were seized by an
4 investigator who was somehow connected with the government, perhaps Contra Costa County.
5 After I was retained, I contacted various law enforcement agencies and found that there was no
6 ongoing criminal investigation of this matter.

7 5. After Ms. Pacini provided me with a "cease and desist" letter from an attorney in
8 Florida who purportedly represented Chanel, I contacted that attorney. I was attempting to
9 negotiate a resolution.

10 6. On or about December 24, 2007, Ms. Pacini received a copy of a complaint filed
11 by Chanel against her and her company. She transmitted a copy of this complaint to my offices
12 on or about December 26, 2007.

13 7. I discussed the complaint with her and suggested that I would continue to try to
14 resolve the matter. I reviewed the complaint and found that the local counsel was an attorney
15 named Michael Lisi in San Francisco. I called him and discussed the possibility of resolving the
16 matter.

17 8. Thereafter, in February 2008, the focus of my attention was a murder preliminary
18 hearing and a mayhem trial. The Mayhem trial was concluded by mid-February and at about that
19 time I received a telephone call from Mr. Lisi. He warned that a default was going to be entered.
20 I told him in unequivocal terms that I am a criminal defense attorney and that I would not be
21 representing Ms. Pacini or her company in this civil matter.

22 9. In March 2008, I was busy with the murder case appearing at a preliminary
23 hearing on March 10-13, March 25 and March 28. I appeared at an arson preliminary hearing on
24 March 18, 19 and 20. I was also in a preliminary hearing in a rape case.

25 10. In early April 2008, I called Ms. Pacini to follow up on the case. Apparently she
26 had not retained a civil attorney and had thought that I had filed an Answer. When she
27 discovered that I had not met the deadline she stated that she would immediately hire civil
28 defense counsel.

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1 11. I had indicated to Ms. Pacini that I was a criminal defense attorney on several
2 occasions. However, based upon her statement to me in early April, she had not understood that I
3 would not be handling the civil case for her and her company.

4 12. I was contacted on April 9, 2008, by Defendants' civil counsel and asked to make
5 this declaration.

6 I declare under the penalty of perjury that the foregoing statement is true and correct and
7 is made under the laws of the State of California and the United States. This declaration is being
8 made in San Francisco, California, on April 10, 2008.

9 Dated: April 10, 2008

/s/ Randall Knox

RANDALL KNOX

1 I hereby attest that I have on file all holograph signatures for any signature indicated by
2 "conformed" signature (/s/) within this e-filed document.

3
4 Dated: April 18, 2008

TINGLEY PIONTKOWSKI LLP

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6 By: /s/ Bruce C. Piontkowski
7 BRUCE C. PIONTKOWSKI
8 Attorneys for Defendant
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